

Milwaukee County Personnel Review Board

Meeting Minutes – April 29, 2014

I. Roll Call

Board President Daniel Dennehy called to order the regular meeting of the Personnel Review Board at 9:00 AM on Tuesday, April 29, 2014 in Room 201-B of the Milwaukee County Courthouse.

The following Board Members were present: Mr. Daniel T. Dennehy, Ms. Susan A. Lueger, Ms. Melissa D. Hudson, Ms. Mary K. Bruno, and Ms. Melissa R. Soberalski.

II. Approval of Minutes of the April 15, 2014 Meeting

Ms. Lueger moved, Ms. Soberalski seconded and the Board, by vote of 5-0, approved the minutes of the April 15, 2014 meeting.

III. Communications and/or comments from the public, if any

None.

IV. Correspondence

The Board received a letter from Attorney Paul Kuglitsch, Principal Assistant Corporation Counsel regarding the Michael Vlach matter. Attorney Kuglitsch requested that the matter be placed on the agenda for an update on May 13, 2014 to schedule a hearing certain. Attorney Mark Sweet of Sweet and Associates, legal counsel for District Council 48, AFSCME appeared before the Board and requested that the Michael Vlach matter be continued for an update on June 10, 2014 to give time for the appointing authority to find alternative employment opportunities for Mr. Vlach. Attorney Kuglitsch had no objections. Ms. Lueger moved, Ms. Hudson seconded and the Board voted (5-0) continue the Michael Vlach matter for an update status on Tuesday, June 10, 2014.

The Board heard the report of Charmaine Gee, Interim Executive Secretary for the Office of the Personnel Review Board, that the Sheriff's department requested the matter of Kim Wahl (Lisowski) be removed from the Call of the Chair and placed on the agenda on May 13, 2014. Ms. Lueger moved, Ms. Hudson seconded and the Board voted (5-0) to place the Kim Wahl (Lisowski) matter for an update status on Tuesday, May 13, 2014.

V. First Appearances

A. DISCHARGES

ANDREW ENDERS, Heating & Vent Mechanic 1, DOT

DIS 2-4097 dated 04/04/2014

The Board heard the report of Calvin Lee, Staff Representative, District Council 48, AFSCME that Andrew Enders, who was not present, waived his rights to a hearing within 21 days pursuant to Chapters 63.10 and 63.12, Wis. Stats., and authorized District Council 48, AFSCME to represent him before the Board in all matters regarding the instant charges and was seeking a hearing certain date. Ms. Hudson moved, Ms. Soberalski seconded, and the Board, by unanimous vote (5-0), scheduled the matter of Andrew Enders for hearing certain on Tuesday, July 8, 2014.

CLIFFORD HALE, Park Unit Coordinator, PARKS

DIS 2-4101 dated 04/23/14

The Board heard the report of Attorney Paul Kuglitsch, Principal Assistant Corporation Counsel, that the appointing authority and Mr. Hale had reached a settlement agreement. Ms. Bruno moved, Ms. Lueger seconded, and the Board, by unanimous vote (5-0), accepted the last chance agreement of Clifford Hale and closed this case.

B. SUSPENSIONS

DAVID BIEDENBENDER, Airport Maintenance Worker, DOT

SUS 1-4096 dated 4/11/14

The Board heard the report of Attorney Paul Kuglitsch, Principal Assistant Corporation Counsel, that Mr. Biedenbender agrees that the charges are well founded and the appointing authority has reduced the suspension from four days to one day. Mr. Biedenbender has submitted a waiver of suspension and has accepted the one day suspension. Ms. Lueger moved, Ms. Soberalski seconded, and the Board, by unanimous vote (5-0), accepted the waiver of suspension for David Biedenbender and closed this case.

TENISE DICKSON, Certified Nursing Assistant, BHD

SUS 1-4088 dated 4/16/14

The Board heard the report of Attorney Paul Kuglitsch, Principal Assistant Corporation Counsel, that Ms. Dickson accepted her five day suspension. The signed waiver had not been received by the office of the Personnel Review Board, but Ms. Dickson did call the office stating her intention to fax the waiver to the office Friday, April 25, 2014 when she reported to work that evening. Ms. Hudson moved, Ms. Lueger seconded, and the Board, by unanimous vote (5-0), accepted the verbal waiver of suspension for Tenise Dickson provided that a written copy is provided and closed this case.

LORRAINE LUSTER, Certified Nursing Assistant, BHD

SUS 1-4099 dated 04/17/2014

The Board heard the report of Calvin Lee, Staff Representative, District Council 48, AFSCME that Lorraine Luster, who was present, waived her rights to a hearing within 21 days pursuant to Chapters 63.10 and 63.12, Wis. Stats., and authorized District Council 48, AFSCME to represent her before the Board in all matters regarding the instant charges and was seeking a hearing certain date. Ms. Hudson moved, Ms. Lueger seconded, and the Board, by unanimous vote (5-0), scheduled the matter of Lorraine Luster for hearing certain on Friday, July 11, 2014.

C. GRIEVANCE

DOUGLAS FELDE, Airport Maintenance Worker, DOT

GRI #52151 dated 04/18/14

The Board heard the report of Calvin Lee, Staff Representative, District Council 48, AFSCME that Douglas Felde, who was present, authorized District Council 48, AFSCME to represent him in this matter and is seeking a hearing certain date. After hearing brief arguments by Attorney Mark Sweet and Attorney Paul Kuglitsch, the Board recommended that Mr. Felde should file this claim before the Wisconsin Employment Relations Commissions (hereafter, "WERC"). The Personnel Review Board will delay the scheduling of a date certain until the WERC has made a determination regarding this matter. After the Board receives the decision from Circuit Court on whether or not they have jurisdiction to hear discipline matters that are less than 10 days, this matter can then be placed on the agenda for an update to discuss whether the Board has jurisdiction to hear the merits of the case. Ms. Lueger moved, Ms. Soberalski seconded, and the Board, by unanimous vote (5-0), continued the matter of Douglas Felde for update on Tuesday, August 19, 2014.

VI. Update

A. DISCHARGE

MABEL CARTER-MITCHELL, Certified Nursing Assistant, BHD

DIS 2-4005 dated 10/17/13

The Board heard the report from Attorney Mark Sweet, Sweet & Associates, LLC legal counsel for the District Council 48, AFSCME, that he had just received the draft copy of the last chance agreement from Corporation Counsel and needed additional time to review it and have it signed by Ms. Carter-Mitchell. Attorney Paul Kuglitsch, Corporation Counsel for the appointing authority stated that he had no objection. Ms. Hudson moved, Ms. Soberalski seconded, and the Board, by unanimous vote (5-0), scheduled the Mabel Carter-Mitchell matter for an update on Tuesday, May 13, 2014.

LUCAS FERGOT, Correction Officer 1, HOC

DIS 2-3973 dated 08/2/13

The Board heard the report of Attorney Paul Kuglitsch, Principal Assistant Corporation Counsel that the appointing authority and Mr. Fergot has entered into a Last Chance Agreement. Attorney Mark Sweet, Sweet and Associates, LLC, legal counsel for District Council 48, AFSCME, stated that he had no objections to the signed agreement. Ms. Bruno moved, Ms. Hudson seconded, and the Board, by

unanimous vote (5-0), accepted the last chance agreement of Lucas Fergot and closed this case.

B. SUSPENSIONS & DISCHARGES

MARY GUENTNER, Human Service Worker, FAMILY CARE

SUS 1-4067 dated 02/28/14 for 5 days

DIS 2-4083 dated 03/28/14

The Board heard the report of Calvin Lee, Staff Representative District Council 48, AFSCME that Mary Guentner, who was present, has retired from her position in County Service effective April 14, 2014. Ms. Bruno moved, Ms. Hudson seconded, and the Board, by unanimous vote (5-0), accepted the retirement of Mary Guentner and closed this case.

C. GRIEVANCE

JOHN SPRAGUE, Airport Maintenance Worker, DOT

GRI # 52147 dated 03/15/13

The Board called the grievance matter of John Sprague. Appearing before the Board, Attorney Mark Sweet, Sweet and Associates, LLC, legal counsel for District Council 48, AFSCME and Attorney James Carroll, Principal Assistant Corporation Counsel on behalf of the appointing authority stated for the record that all arguments and briefs had been submitted to the Board and they had nothing further to discuss.

(Refer to Agenda Item VII B for the decision)

VII. Hearings

A. DISCHARGES

JONATHAN BABALOLA, Dispatcher, SHERIFF

SUS 1-4007 dated 10/17/13 for IA # 13-197 for 10 days

SUS 1-4008 dated 10/17/13 for IA # 13-272 for 10 days

SUS 1-4009 dated 10/17/13 for IA # 13-273 for 15 days

SUS 1-4010 dated 10/17/13 for IA # 13-274 for 20 days

DIS 2-4069 dated 03/05/14 for IA # 14-016

(Refer to Agenda Item VII B)

TIFFANY ADAMS, Registered Nurse, SHERIFF

SUS 1-4006 dated 10/17/13 for 5 days

(Refer to Agenda Item VII B)

OCELL CARR, Correction Officer 1, SHERIFF

SUS dated 10/17/13 for IA # 13-275 for 3 days

SUS dated 03/16/14 for IA # 14-025 for 5 days

The Board heard the report of Attorney Paul Kuglitsch, Principal Assistant Corporation Counsel for the appointing authority that Mr. Carr agrees that the charges are well founded, and the appointing authority reduced the combined suspensions from 8 days to 6 days. Mr. Carr has submitted a signed waiver of suspension accepting the 6 days. Ms. Lueger moved, Ms. Hudson seconded, and the Board, by

unanimous vote (5-0), accepted the waiver of suspension of Ocell Carr and closed both cases.

KALEHIA CHEELY, Certified Nursing Assistant, BHD
SUS 1-4064 dated 02/17/14
(Refer to Agenda Item VII B)

KELLY AHOLA, Correction Officer 1, HOC
SUS 1-4042 dated 04/04/14 for HOC IA #14-048 for 5 days
SUS 1-4042 dated 04/04/14 for HOC IA #14-049 for 8 days

The Board heard the report of Attorney Paul Kuglitsch, Principal Assistant Corporation Counsel for the appointing authority that Ms. Ahola has submitted a signed waiver of suspension accepting the 5 day and 8 day suspensions. Ms. Lueger moved, Ms. Hudson seconded, and the Board, by unanimous vote (5-0), accepted the waiver of suspension of Kelly Ahola and closed both cases.

B. HEARINGS

The Board heard the Tiffany Adams matter and took a direct vote.

Next, the Board heard Jonathan Babalola matters. At 11:40 a.m. the Board took a break for lunch.

At 12:13 p.m. the Board reconvened and continued the Jonathan Babalola Matter. Next the Board heard the Kalehia Cheely matter. At 1:52 p.m. Ms. Lueger moved, Ms. Bruno seconded, and the Board voted (5-0) to go into closed session to deliberate the John Sprague, Jonathan Babalola and Kalehia Cheely matters. At 2:03 p.m., after deliberating in closed session, the Board reconvened in open session.

JOHN SPRAGUE, Airport Maintenance Worker, DOT
GRI # 52147 dated 03/15/13

Ms. Lueger moved, Ms. Hudson seconded, and the Board, by unanimous vote (5-0), denied the grievance matter of John Sprague based on the merits of the case.

TIFFANY ADAMS, Registered Nurse, SHERIFF
SUS 1-4006 dated 10/17/13 for 5 days

Ms. Sobersalski moved, Ms. Lueger seconded, and the Board voted unanimously (5-0) that the evidence was sufficient and uncontroverted that Ms. Adams violated Civil Service Rule VII, Section 4(1), paragraph (l) and (p) and upheld the 5 day suspension.

JONATHAN BABALOLA, Dispatcher, SHERIFF
SUS 1-4007 dated 10/17/13 for IA # 13-197 for 10 days
SUS 1-4008 dated 10/17/13 for IA # 13-272 for 10 days
SUS 1-4009 dated 10/17/13 for IA # 13-273 for 15 days
SUS 1-4010 dated 10/17/13 for IA # 13-274 for 20 days
DIS 2-4069 dated 03/05/14 for IA # 14-016

Ms. Lueger moved, Ms. Bruno seconded, and the Board voted unanimously (5-0) that the evidence was sufficient that Mr. Babalola violated Civil Service Rule VII, Section 4(1), paragraph (l), (o), (p), and (gg) and upheld the 10 day suspension for IA # 13-197, the 10 day suspension for IA #13-272, the 15 day suspension for IA # 13-273, the 20 day suspension for IA # 13-274 and the charges for discharge for IA # 14-016.

**KALEHIA CHEELY, Certified Nursing Assistant, BHD
SUS 1-4064 dated 02/17/14**

Ms. Hudson moved, Ms. Soberalski seconded, and the Board voted unanimously (5-0) that the evidence was sufficient that Ms. Cheely violated Civil Service Rule VII, Section 4(1), paragraph (l), (o), (p) and (t) and upheld the 5 day suspension.

VIII. Adjournment

Ms. Hudson moved, Ms. Bruno seconded, and the Board, by vote of 5-0, adjourned the meeting at 2:03 PM.

Minutes submitted by: Charmaine J. Gee, Interim Executive Secretary